

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA**

JOSEPH RUPPERT, as trustee of and on behalf )  
of FAIRMOUNT PARK, INC. RETIREMENT ) Case No. 4:07-cv-00344-JAJ-TJS  
SAVINGS PLAN, and on behalf of all others )  
similarly situated, ) Judge John A. Jarvey  
)  
Plaintiff, ) Chief Magistrate Judge Thomas J. Shields  
)  
vs. )  
)  
PRINCIPAL LIFE INSURANCE COMPANY, )  
)  
Defendant. )

**PRINCIPAL LIFE INSURANCE COMPANY'S  
MOTION FOR SUMMARY JUDGMENT ON COUNT III**

Defendant Principal Life Insurance Company ("Principal Life") respectfully moves, pursuant to Federal Rule of Civil Procedure 56 and LR 56(a), for summary judgment on Count III of Plaintiff's First Amended Complaint ("Am. Compl."), which is the sole remaining claim in the case. Principal Life is entitled to summary judgment on Count III because it properly disclosed that it earns interest on monies awaiting investment. In support of this motion, Principal Life submits the following materials: a supporting brief in accordance with LR 56(a)(2) (attached as Exhibit 1); a statement of material facts as to which there is no genuine issue in accordance with LR 56(a)(3) (attached as Exhibit 2); and an appendix of supporting documents in accordance with LR 56(a)(4) and LR 56(e).

Respectfully submitted,

PRINCIPAL LIFE INSURANCE COMPANY

By: /s/ Eric S. Mattson  
One of its attorneys

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **Principal Life Insurance Company's Motion for Summary Judgment on Count III** was served on the attorneys listed below through the Court's CM/ECF electronic filing system on February 2, 2010.

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